

AGENDA

Board of Directors Meeting

May 12, 2010

Start Time: 9:30 a.m.

LOCATION

**San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA**

Board of Directors

President

Paul Eaton, Mayor
City of Montclair

Vice-President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Ed Graham, Vice Mayor
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams, Mayor
City of Needles

Alan Wapner, Mayor Pro Tem
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Mayor Pro Tem
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

The San Bernardino County Transportation Commission, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.

The San Bernardino County Transportation Authority, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.

The Service Authority for Freeway Emergencies, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.

The Congestion Management Agency, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.

As a Subregional Planning Agency, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

May 12, 2010

9:30 a.m.

Location:

**San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Call to Order - 9:30 a.m. by Mayor Paul Eaton

- I. Pledge of Allegiance
- II. Attendance
- III. Announcements:
 - Calendar of Events (Pg. 11)
- IV. Agenda Notices/Modifications – Vicki Watson

**1. Possible Conflict of Interest Issues for the Board Meeting of Pg. 12
May 12, 2010**

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Notes/Actions:

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 21.

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 14
3. **March 2010 Procurement Report** Pg. 18
Receive Monthly Procurement Report. **William Stawarski**
This item was reviewed and received by the Administrative Committee on April 14, 2010.
4. **Measure I Revenue Receipts – Program to Date** Pg. 20
Receive and File Report. **William Stawarski**
This item was reviewed by the Administrative Committee on April 14, 2010.
5. **Selection of San Bernardino Santa Fe Depot Property/Facility Management Firm** Pg. 23
 1. Approve selection of CityCom Real Estate Services, Inc. (CityCom) for property and facility management services at the San Bernardino Santa Fe Depot.
 2. Approve SANBAG Contract C10164 with CityCom in the amount of \$45,600 as identified in the Financial Impact Section.
Duane Baker
This item was reviewed and unanimously recommended for approval by the Administrative Committee on April 14, 2010. Contract C10164 was reviewed and approved by SANBAG Counsel as to legal form.
6. **Computer Administration and Management Services Contract** Pg. 43
Approve Amendment No. 1 to Contract No. A09192 with TH Enterprises for Computer Administration and Management Services for an amount not to exceed \$233,626 and extend the contract end date to June 30, 2011 as specified in the Financial Impact Section.
Duane Baker
This item was reviewed and recommended for approval by the Administrative Committee on April 14, 2010. This item was reviewed and approved by SANBAG Counsel as to legal form.

Consent Calendar Continued....**Regional & Quality of Life Programs**

7. **Amendment No. 4 to Contract No. 05006 with CASE Systems, Inc., for Call Box Maintenance Services** Pg. 54

Approve Amendment No. 4, exercising the first year option, to CASE Systems, Inc., Contract No. 05-006, in the amount of \$925,000, and to extend the contract until June 30, 2011, as outlined in the Financial Impact Section below. **Kelly Lynn**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on April 21, 2010. SAFE Legal Counsel has reviewed this item and contract amendment as to form.

8. **Parallel Consideration of a Broad Range of Issues as a Basis to Improve Long-Range Planning** Pg. 60

Receive report. **Ty Schuiling**

This item was reviewed by the Plans and Programs Policy Committee on April 21, 2010.

Subregional Transportation Planning & Programming

9. **Approval of contract for Development of the San Bernardino County Transportation Analysis Model (SBTAM)** Pg. 62

1) Approve Contract No. C10194 with PB Americas, Inc. for Development of the San Bernardino County Transportation Analysis Model in the amount of \$200,000 as detailed in the Financial Impact Section; and

2) Approve budget amendment to increase the FY 2009-2010 budget for Task No. 20210000 in the amount of \$200,000 for a total Fiscal Year Task budget in the amount of \$293,451 as identified in the Financial Impact Section. **Ty Schuiling**

This item was reviewed and recommended for approval (8-0-3; Abstained: Biane, Ovitt, Derry) by the Plans and Programs Policy Committee on April 21, 2010.

10. **Results of the SB-375 Local Jurisdiction Survey for San Bernardino County** Pg. 71

Receive report. **Ty Schuiling**

This item was reviewed by the SANBAG Plans and Programs Committee on April 21, 2010.

Consent Calendar Continued....

Project Development

11. Right of Way Cooperative Agreement with the County of San Bernardino for the Glen Helen Grade Separation Project Pg. 79

Approve Cooperative Agreement C10227 with the County of San Bernardino for the Right of Way work phase on the Glen Helen Grade Separation project in the County of San Bernardino with a Measure I calculated share contribution of \$4,115,400. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Plans and Program Committee on April 21, 2010. The agreement has been reviewed by SANBAG Legal Counsel.

12. North Milliken Avenue/Union Pacific Railroad (UPRR) Grade Separation Project in the City of Ontario Pg. 90

1. Approve Cooperative Agreement No. R10195 with the City of Ontario for Construction of North Milliken Avenue/UPRR Grade Separation Project with SANBAG's contribution not to exceed \$45,812,000.

2. Approve Purchase Order No. P10238 with the Union Pacific Railroad in an amount not to exceed \$12,175,622, which includes up to \$11,199,622 for track work; and up to \$566,000 for flagging work during construction of the North Milliken Avenue/UPRR Grade Separation project.

3. Approve Purchase Order No. P10239 with Kinder Morgan in an amount not to exceed up to \$360,000 for inspection work during construction of the North Milliken Avenue/UPRR Grade Separation project.

4. Authorize the Executive Director to enter into purchase orders with two local businesses, each in an amount not to exceed \$50,000, for trans-loading services needed during construction of the North Milliken Avenue/UPRR Grade Separation project.

5. Approve Professional Services Agreement No. C10184 with Nolte Associates, Inc. for construction management, construction surveying, materials testing and public outreach services for the North Milliken Avenue/UPRR Grade Separation Project in an amount not to exceed \$5,169,038.

6. Approve budget authority for Task No. 88210000, North Milliken Avenue Grade Separation, in the amount of \$50,000 for the 2009/2010 fiscal year to fund staff's support costs and Contract No. C10184 for construction management services through June 2010. **Garry Cohoe**

This item was reviewed and unanimously recommended for approved by the Major Projects Committee on April 15, 2010. SANBAG Counsel has reviewed and approved the construction cooperative agreement and the professional services agreement as to form.

Consent Calendar Continued....

Project Development (Cont.)

13. I-215 Bi-County High Occupancy Vehicle (HOV) Lane Gap Closure Project Pg. 176

1. Approve Cooperative Agreement C10211 with Riverside County Transportation Commission (RCTC) for the Plans, Specifications, and Estimates (PS&E) and Right-of-Way (ROW) phases of the I-215 Bi-County HOV Gap Closure Project. SANBAG's contribution is Not to Exceed \$21,056,000; RCTC's contribution is Not to Exceed \$2,185,000 for a total amount of \$23,241,000.

2. Approve Amendment No. 1 to Cooperative Agreement Amendment C09145 with Caltrans for Preliminary Engineering (PE) of the I-215 Bi-County HOV Gap Closure Project for an amount not to exceed \$11,000,000.

3. Approve budget amendment to increase the FY 2009/2010 budget for TN 83910000 in the amount of \$520,000 for a revised total Fiscal Year Project budget in the amount of \$3,259,011 as identified in the Financial Impact Section. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on April 15, 2010. SANBAG Counsel has reviewed and approved the agreements as to form.

14. Construction Management Services for the Ramona Avenue/Union Pacific Railroad (UPRR) Grade Separation Project Pg. 204

Approve Amendment No. 1 to Contract No. 07-088 with Caltrop Corporation in the amount of \$180,000, increasing the contract total amount from \$2,215,854.69 to \$2,395,854.69 and extending the duration of performance through August 2010. **Garry Cohoe**

This item was reviewed and recommended for approval (13-0-2; Abstained: Derry and Ovitt), by the Major Projects Committee on April 15, 2010. SANBAG Counsel has reviewed and approved these amendments as to form.

Transportation Programs & Fund Administration

15. Continuing Cooperative Agreement with the Southern California Association of Governments (SCAG) for In-kind Services Commitment and Management of Federal Metropolitan Planning Funds Pg. 210

Approve Amendment No. 2 to SANBAG Contract C08-015 amending the Continuing Cooperative Agreement (SCAG No. 07-019-S1) with SCAG to address use of in-kind local match and SCAG Overall Work Program (OWP) funding of RivSan Travel Demand Model Improvements within San Bernardino County in the amount of \$55,000 in OWP and in-kind match of \$7,126 for a total of \$62,126. **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Programs Policy Committee on April 21, 2009.

Consent Calendar Continued....

Transportation Programs & Fund Administration (Cont.)

16. Project Advancement Agreements

Pg. 219

Approve the following Project Advancement Agreements (PAAs):

1. C09182- PAA with City of Rancho Cucamonga for various arterial projects in the amount of \$7,321,520 public share commitment from the Valley Major Street Program.
 2. C09183- PAA with City of Rialto for various arterial projects in the amount of \$913,800 public share commitment from the Valley Major Street Program.
 3. C09184- PAA with City of Chino for various arterial projects in the amount of \$5,776,610 public share commitment from the Valley Major Street Program.
 4. C09185- PAA with City of Highland for various arterial projects in the amount of \$168,664 public share commitment from the Valley Major Street Program. (\$92,694 after reduction due to application of federal safe routes to school funds)
 5. C10092- PAA with County of San Bernardino for the I-10 Pepper Interchange project in the amount of \$6,600,000 public share commitment from the Valley Freeway Interchange Program.
- Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Plans and Program Committee on April 21, 2010.

DISCUSSION ITEMS

Administrative

17. Set Date for Election of Officers for 2010/2011

Pg. 265

Set election for President and Vice President of the SANBAG Board of Directors to be conducted at the June 2, 2010 Board meeting.

Duane Baker

This item has not received prior review by any SANBAG policy committee.

Discussion Items Continued....Administrative (Cont.)**18. Fiscal Year 2010/2011 Proposed SANBAG Budget** Pg. 269

1. Note Board of Directors Budget Workshop scheduled May 12, 2010 at 8:30 a.m. in conjunction with the Administrative Committee Meeting.

2. Presentation of the 2010/2011 Proposed Budget.

3. Schedule the public hearing and adoption of the 2010/2011 Budget for the June 2, 2010 Board of Directors Meeting. **William Stawarski**

All five of the SANBAG policy committees have reviewed task descriptions and budget for activities under their purview. The Administrative Committee has also reviewed and received the elements related to the agency-wide programs, the fringe/indirect allocations, revenue projections and planned expenditures. The proposed budget will be reviewed at the budget workshop in conjunction with the Administrative Committee Meeting on May 12, 2010.

Project Development**19. I-15/I-215 (Devore) Interchange - Trade Corridor Improvement Fund (TCIF)** Pg. 271

1. Approve removing I-15/I-215 (Devore) Interchange from the TCIF program, with the understanding that the \$118 million of TCIF funds will be replaced with an equivalent amount from another State funding source.

2. Authorize the Executive Director to submit a letter to the California Transportation Commission (CTC) requesting that the I-15/I-215 (Devore) Interchange be removed from the TCIF program. **Garry Cohoe**

This item has not had prior policy committee review.

20. Sole Source Purchase Order P10228 for the purchase and implementation of a capital program/project management software Pg. 274

Approve Sole Source Purchase Order No. P10228 with EcoSys to purchase 10 licenses of EcoSys Financial Manager, implementation services, three years of maintenance services for a total amount of \$160,000.00. **Garry Cohoe**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on April 15, 2010. SANBAG Counsel has reviewed and approved the Agreements as to form.

Other Matters**21. Consent Calendar Items Pulled for Discussion**

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Brief Comments from Board of Directors

Public Comment

Brief Comments by the General Public

Additional Information**Agency Reports/Committee Memberships**

Commuter Rail Report Pg. 324

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report Pg. 327

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC)

Council Member Gwenn Norton-Perry *(No Report this Month)*

SCAG Committees Pg. 329

SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees Pg. 330

Acronym List Pg. 333

Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.



Important Things to Know For...

May 2010

SANBAG Meetings – Cancelled:

None

SANBAG Meetings – Scheduled:

Administrative Committee	May 12	8:30 a.m.	The Super Chief
Major Projects Committee	May 13	9 a.m.	The Super Chief
Plans and Programs Committee	May 19	12 noon	The Super Chief
Commuter Rail & Transit Committee	May 20	12 noon	The Super Chief
Mountain/Desert Committee	May 21	9 a.m.	Town of Apple Valley

Other Meetings/Events:

Ramona Ave. Grade Separation	May 20	9:30 a.m.	Ramona Ave./State St., Montclair
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For additional information, please call SANBAG at (909) 884-8276